

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.4710 of 2020

in

Crl.A.No.302 of 2020

Senkeni @ Govindan

.. Petitioner/Accused

Vs.

State of Tamil Nadu represented by
The Deputy Superintendent of Police
Vikravandi Police Station
Villupuram District
(Crime No.304 of 2018)

..Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 10.07.2020 passed in Spl.S.C.No.6 of 2019 on the file of the Sessions Court [Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act")], Villupuram and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 10.07.2020 passed in Spl.S.C.No.6 of 2019 on the file of the Sessions Court (Special Court for the the SC/ST Act), Villupuram and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was an accused in Spl.S.C.No.6 of 2019 before the Sessions Court (Special Court for the the SC/ST Act), Villupuram, was convicted of the offences under Section 323 IPC and Section 4 of the the Tamil Nadu Prohibition of Harassment of Women Act, 1998 (for brevity "the TNPHW Act") r/w Section 3(1)(r) and 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for brevity "the SC/ST Act") and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 323 IPC	One year rigorous imprisonment.
2	Section 4 of the TNPHW Act	One year rigorous imprisonment and fine of Rs.10,000/-, in default to undergo three months simple imprisonment.
3	Section 3(1)(r) of the SC/ST Act	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
4	Section 3(1)(s) of the SC/ST Act	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.
5	Section 3(2)(va) of the SC/ST Act	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.302 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.M.Devaraj, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the respondent/State.

6. It is the case of the prosecution that Kumar (PW1) and Sumathi (PW2) were employed in the brick kiln of the petitioner and they had given some money as loan to the petitioner; when they approached the petitioner for return of the amount, it is alleged that the petitioner abused them by referring to their caste name and assaulted them.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The trial Court has suspended the sentence of imprisonment imposed on the petitioner in a petition under Section 389 (3) Cr.P.C. till 08.08.2020. In such view of the matter, this Court is of the view that the petitioner is entitled to

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Court (Special Court for the the SC/ST Act), Villupuram;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge (Special Court for the the SC/ST Act), Villupuram, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

06/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE SESSIONS JUDGE
(SPECIAL COURT FOR THE SC/ST ACT),
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIKRAVANDI POLICE STATION,
VILLUPURAM DISTRICT.

+1C.C. to M/S. M.DEVARAJ Advocate on payment of necessary charges
SR.No.5861

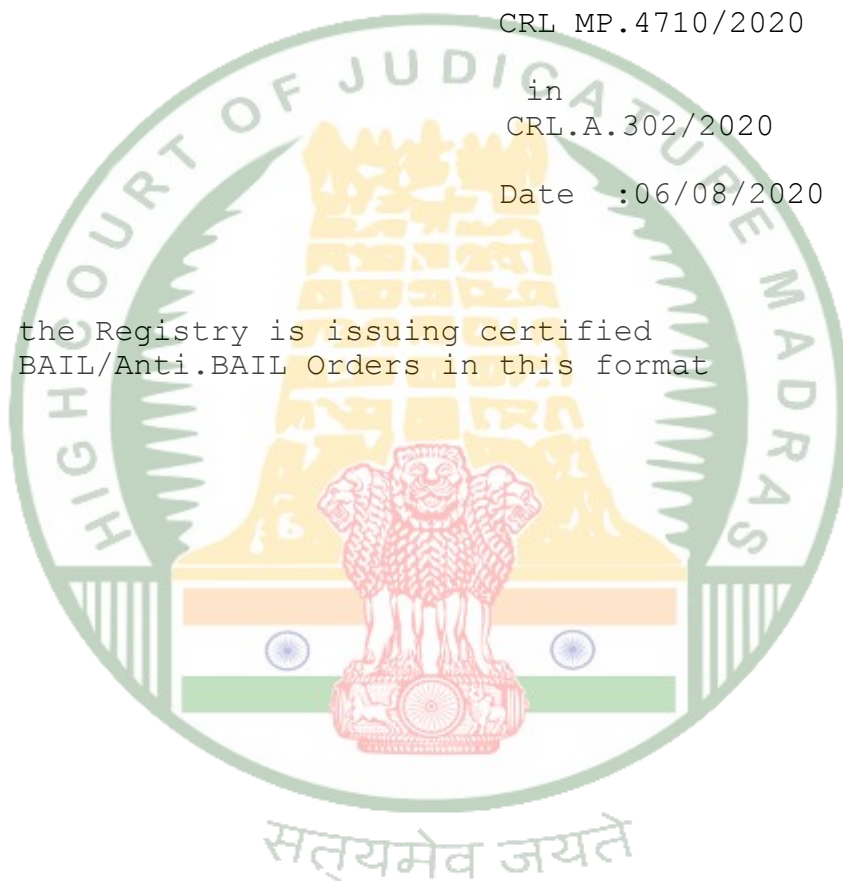
Order

in
CRL MP.4710/2020

in
CRL.A.302/2020

Date :06/08/2020

From 7.2.2001 the Registry is issuing certified
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